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LETTER DATED 22 DECEMBER 1995 FROM THE CHARGÉ D'AFFAIRES A.I. OF THE PERMANENT MISSION OF YUGOSLAVIA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to transmit herewith the letter of His Excellency Dr. Radoje Kontić, Prime Minister of the Federal Republic of Yugoslavia, addressed to you.

I should be grateful if you would have the text of the present letter and its annex circulated as a document of the Security Council.

(Signed) Vladislav JOVANOVIC
Chargé d'affaires a.i.

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Annex

Letter dated 22 December 1995 from the Prime Minister of Yugoslavia addressed to the President of the Security Council

As you know, there is a territorial dispute between the Federal Republic of Yugoslavia, i.e. the Republic of Montenegro, and the Republic of Croatia located in the Prevlaka peninsula in Boka Kotorska Bay. The existence of the dispute was noted by the two sides in Dubrovnik on 25 April 1995.

The legal status of the disputed part of the territory which encompasses Cape Oštri and a part of the Prevlaka hinterland was regulated by the joint declarations of the President of the Federal Republic of Yugoslavia and the President of the Republic of Croatia of 30 September and 20 October 1992, as well as in Security Council resolutions 779 (1992) of 6 October 1992 and 981 (1995) of 31 March 1995.

The joint declaration of the President of the Federal Republic of Yugoslavia and the President of the Republic of Croatia of 30 September 1992 provisionally resolved the outstanding and disputed questions in the border belt between the Federal Republic of Yugoslavia (Republic of Montenegro) and the Republic of Croatia. The agreement established the legal status of the territory at Prevlaka which was demilitarized with its hinterland, while the two sides agreed to solve the problem of the general security of Boka Kotorska and Dubrovnik through further negotiations.

The said agreement was confirmed in Security Council resolution 779 (1992) of 6 October 1992, by which the United Nations assumed the responsibility for the control of the agreed arrangements and respect for the security regime of the United Nations pending a peaceful solution of the disputed question by the two sides.

By adopting the said resolution, the Security Council, in accordance with Article 33 of the Charter of the United Nations, called upon the sides to solve the dispute through negotiations.

During the peace negotiations in Dayton in November 1995, using the instruments of general peace arrangements, the delegation of the Federal Republic of Yugoslavia did everything within its power to arrive in direct contact with the delegation of the Republic of Croatia and in the presence of the representatives of the United States of America, at a negotiated solution of the dispute. The guarantees in connection with a tripartite exchange of territories among the Federal Republic of Yugoslavia, the Republic of Croatia and Bosnia and Herzegovina and the solution of the dispute about Prevlaka in favour of the Federal Republic of Yugoslavia, i.e. the Republic of Montenegro, made at the time by the Republic of Croatia, are known to all participants in the Dayton Proximity Talks. However, after the Dayton Agreement, by a series of public statements of the most responsible representatives of the Republic of Croatia, the Croatian side put in question the agreed arrangements.

The Federal Republic of Yugoslavia had exhausted all possibilities and instruments to date to solve the dispute with the Republic of Croatia through direct diplomatic negotiations, as directed by the United Nations Security Council in its relevant resolutions. In this context, mention should be made of the negotiations initiated by the Assembly of the Republic of Montenegro on 8 October 1991 which contain a proposal on a negotiated delineation with the Republic of Croatia on land and sea in the region of Prevlaka; the negotiations at the highest level in The Hague and Brussels during 1991 and 1992; the meetings and talks of the Interior Ministers of the Republic of Montenegro and the Republic of Croatia of 20 October 1992 and 28 January 1993; the direct talks of the two interested sides within the Joint Inter-State Committee of the Federal Republic of Yugoslavia and the Republic of Croatia in the presence of the Special Representative of the Secretary-General of the United Nations, of 25 April 1995; the shuttle diplomacy of the Special Representative; and, finally, of the continuation of negotiations in Dayton in November 1995, at the London Conference on 9 December 1995 and at the Paris Conference on 14 December 1995, which failed to bring the expected results.

Invoking United Nations Security Council resolutions related to Prevlaka and the reports of the Secretary-General of the United Nations of 17 September 1994 and 22 March 1995 and reiterating once again its firm commitment to a peaceful solution of the dispute in accordance with the Charter of the United Nations, the Federal Republic of Yugoslavia wishes to inform the Security Council once again that the territorial dispute between the Republic of Croatia and the Federal Republic of Yugoslavia located in the Prevlaka peninsula has not been solved and requests the Security Council to call upon the Republic of Croatia to find a peaceful solution through diplomatic negotiations.

Pending a peaceful and mutually acceptable solution of this territorial dispute and because of the possibility of interpreting Security Council resolutions 779 (1992) and 981 (1995) related to the mandate of the peace force in different ways, the Federal Republic of Yugoslavia requests the Security Council to adopt a decision, prior to the expiry of the United Nations mandate in the former Yugoslavia, that the United Nations monitoring mission in the disputed area continue its activities until a peaceful solution has been achieved.

(Signed) Radoje KOMTIĆ
Federal Prime Minister